

UNITED STATES DISTRICT COURT

Pleas TRANSFER TO 28 USC § 2254

IN THE MATTER OF  
WAYNE ANTHONY BECKFORD  
FRAMINGHAM DISTRICT COURT  
DOCKET # 0149 CR 1768  
APPEALS COURT # 2004-P-377

Wayne A. Beckford

AFFIDAVIT OF WAYNE A BECKFORD

UNDER OATH, AND PENALTIES OF PERJURY, I STATE THAT MY NAME IS WAYNE ANTHONY BECKFORD. PURSUANT TO 28 USC § 2254, I RESPECTFULLY WRITE THIS COURT FOR THE REASONS SET FORTH RESPECTFULLY ASKS THIS COURT TO VACATE OR DISMISS THE CHARGES AGAINST HIM OR ALTERNATIVELY ORDER A NEW TRIAL BE GRANTED.

ARGUMENT.

- (1) THE PROSECUTIONS FAILURE TO PRODUCE PHOTOGRAPHS, USED TO IDENTIFY MA BECKFORD, VIOLATED HIS RIGHT TO A FAIR TRIAL AND HIS DUE PROCESS RIGHTS.
- (2) THE TRIAL COURT ERRED IN INSTRUCTING THE JURY ON JOINT ENTERPRISE THEORY FOR THE NOVEMBER 27, 1999 COUNT, WHERE THE PROSECUTION NEVER ADVANCED SUCH A THEORY AND THE EVIDENCE COULD NOT SUPPORT THE INSTRUCTION.
- (3) THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO SEVER THE CHARGES, WHERE THE MULTIPLE OFFENSES DID NOT CONSTITUTE A SINGLE LINE OF CONDUCT, AN INCRIMINATING STATEMENT WAS IN EVIDENCE, FOR ONE OF THE COUNTS, AND WERE EACH COUNT WAS USED TO PROVE GUILT ON THE OTHER.
- (4) THE SCANT EVIDENCE FAILED TO ESTABLISH THE DEFENDANT WAYNE BECKFORD, POSSESSION AND DISTRIBUTION OF CRUGS, AND WAS SUSCEPTIBLE TO EQUALLY COMPATIBLE THEORIES OF INNOCENCE.

IT IS HIS PLEA TESTIMONY THAT HE SAW

photographs of Mr Beckford throughout the investigation but on his police report he wrote he saw a black man.

indeed because the identification could not take place after he allegedly witnessed the perpetrator at the scenes. When he had photographs of Mr Beckford the clear indication is that the missing photographs prompted officer Blass conclusion.

(a) Article 12, Massachusetts Declaration of Rights were violated.

(b) Fourteenth Amendment  
(c) Sixth Amendment  
(d) Fifth Amendment } were violated

Motion To Sever were denied.

Accordingly, the Joinder created prejudice to the defendant, Wayne A Beckford. An incriminating statement was in evidence for one of the counts such a argument and Ruling by the district Judge and the prosecution. Prior crimes being used to show guilty by way of criminal propensity.

See Triplett 398 Mass At 562

For the reasons set above I Wayne A Beckford pray this Court vacate the conviction

Petitioner Beckford is in deportation proceedings,  
because of this wrongful conviction

The Lower Court overlook clear precedent  
case law,

Beckford has a wife of 18yr with  
three children, Natasha Beckford 15yr  
Wayne Beckford Jr 12yr and Brandon Beckford 7  
yr. Petitioner lost his mother December 21, 1997  
and suffered from psychosis and psychological  
problem. he was alleged to commit these  
crime in 1999, while under mental  
health care.

he was charged with  
did knowingly or intentionally  
distribute a class B. substance,  
Medical Record state he could  
not have knowingly or intentionally.  
he was under the experience of  
psychosis. in and out of reality.

Wayne Beckford